



OFFICE of GOVERNMENT INFORMATION SERVICES

June 8, 2016 — Sent via U.S. mail

[REDACTED]

Re: Case No. 201600825  
NG: HK: CM: CL

NATIONAL  
ARCHIVES  
and RECORDS  
ADMINISTRATION

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Dear [REDACTED]:

This responds to your request for assistance from the Office of Government Information Services (OGIS), which we received on May 8, 2016 via U.S. mail. Your request for assistance pertains to your Freedom of Information Act (FOIA) request to the Social Security Administration (SSA).

Congress created OGIS to complement existing FOIA practice and procedure; we strive to work in conjunction with the existing request and appeal process. The goal is for OGIS to allow, whenever practical, the requester to exhaust his or her remedies within the agency, including the appeal process. OGIS has no investigatory or enforcement power, nor can we compel an agency to release documents. OGIS serves as the Federal FOIA Ombudsman and our jurisdiction is limited to assisting with the FOIA process.

We carefully reviewed your submission, and we understand that you submitted a FOIA request to SSA for a copy of the original application for a Social Security Account number (also known as an SS-5 form) submitted by [REDACTED]. SSA responded to your request on [REDACTED], releasing [REDACTED] SS-5 in part, but withholding the names of [REDACTED] under FOIA Exemption 6, 5 U.S.C. § 552(b)(6). In response to your January 25, 2015 and March 21, 2016 appeals, SSA affirmed its initial action on your request. You dispute this response and contacted OGIS for assistance.

In working previous cases similar to yours, OGIS contacted SSA to learn more about the agency's policies concerning releasing parents' names on SS-5 forms. As SSA explained in its [REDACTED] response letter, the agency cannot release [REDACTED] names on [REDACTED] SS-5 unless: 1) you provide [REDACTED] written consent; or 2) you provide proof that [REDACTED] is at least 100 years of age and acceptable proof of his death; or 3) [REDACTED] is more than 120 years old.

Acceptable proof of death includes:

- a copy of a public record of death of the number holder;



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- a statement of death by the funeral director;
- a statement of death by the attending physician or the superintendent, physician, or intern of the institution where the person died;
- a copy of the coroner's report of death or the verdict of the coroner's jury;
- a copy of an official report of death or finding of death made by an agency or department of the U.S. which is authorized or required to make such a report or finding in the administration of any law of the U.S.; or
- an obituary with sufficient identifying information.

OGIS learned that in creating this policy, the SSA looked at how other agencies, including the Department of Justice and the Federal Bureau of Investigation, handle records involving extreme age. Generally, both agencies will not release records about individuals who are younger than 100 years without proof of death. Because Social Security applications are unique records in that they list both parents' names, the SSA added 20 years to the 100-year requirement. The policy is designed to protect the privacy interests of individuals, who are afforded protection from a clearly unwarranted invasion of personal privacy under FOIA Exemption 6 and the Privacy Act of 1974, 5 U.S.C. § 552a(b).

FOIA Exemption 6 protects information from release that would be a "clearly unwarranted invasion of personal privacy." Courts have found that individuals have a privacy interest in their name, address, date of birth, place of birth, employment history, and other personal information, and the privacy interest in protecting the information outweighs the public interest in the release of the information.

In considering withholding information under Exemption 6, an agency must weigh the public interest in disclosure against an individual's privacy interest. Courts have consistently held that FOIA is intended to allow people to learn about the conduct of agencies, not to discover information about other individuals. The U.S. Supreme Court held that "the statutory purpose [of FOIA] is not fostered by disclosure of information about private citizens that is accumulated in various governmental files but that reveals little or nothing about an agency's own conduct." *U.S. Dep't of Justice vs. Reporters Committee for Freedom of the Press*, 489 U.S. 749, 773 (1989).

I note that [REDACTED] birth certificate lists his birthdate as [REDACTED] 1925. You may wish to submit a new FOIA request to SSA after [REDACTED] 2025.

I contacted SSA's FOIA Unit regarding your query as to whether [REDACTED] had two Social Security numbers (SSNs) assigned to him; according to the agency, [REDACTED] did. The FOIA Unit explained that when applications came in during the first few years of the Social Security program, occasionally there were instances where SSA received and processed multiple applications for the same individual. Originally, the U.S. Postal Service and employers collected and submitted SS-5 forms so multiple applications were likely submitted from

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different sources. SSA provided you with the oldest SS-5 on file for [REDACTED]. The SSN on [REDACTED] death certificate was assigned six months later. It appears that the number that [REDACTED] used is the one reflected on [REDACTED] death certificate. If you wish to submit a FOIA request for the more recent SS-5, please be aware that SSA will charge you a \$27 fee for the additional search.

I hope you find this information useful. Thank you for bringing this matter to OGIS; at this time there is no further action for us to take and we consider this matter closed. Please contact us if you have any questions.

Sincerely,

/s/

NIKKI GRAMIAN  
Acting Director